

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

J.Y.C.C., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:15-CV-1704-RWS
	)	
Doe Run Resources Corporation, et al.,	)	
	)	
Defendants.	)	

**CASE MANAGEMENT ORDER No. 7**

**IT IS HEREBY ORDERED** that the parties joint proposed amended case management order [395] is adopted and the following case management deadlines will apply in this matter:

**I. SCHEDULING PLAN**

**A. Plaintiffs' Production of Plaintiff Fact Sheets for Groups A-K**

No later than **July 31, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all remaining **Group A-F** Plaintiffs.

No later than **July 31, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all remaining **Group G** Plaintiffs.

No later than **July 31, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all remaining **Group H** Plaintiffs.

No later than **August 28, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all **Group I** Plaintiffs.

No later than **September 25, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all **Group J** Plaintiffs.

No later than **October 30, 2020**, Plaintiffs shall produce verified and notarized fact sheets for all **Group K** Plaintiffs.

To the extent Plaintiffs provide only unnotarized versions of said fact sheets by the above-reference deadlines, Plaintiffs shall have up to an additional four (4) weeks per group to serve notarized copies of any previously unnotarized fact sheets. (i.e., Plaintiffs must serve notarized copies of any unnotarized fact sheets for Plaintiffs in Groups A-H no later than August 28, 2020, Group I by September 25, 2020, Group J by October 30, 2020, and Group K by November 27, 2020).

If an individual Plaintiff fails to produce a fact sheet by the stated deadline, Defendants' counsel shall confer with Plaintiff's counsel in an attempt to resolve the deficiency. If an accommodation cannot be reached Defendants' counsel may file a Motion to Show Cause why the Plaintiff's case should not be dismissed with prejudice. The individual Plaintiff will then have thirty days to respond to the Motion to Show Cause. A failure to respond to the Motion to Show Cause within the required period of time shall lead to the dismissal of the case with prejudice, except for good cause shown.

**B. Medical, Educational and Employment Records of the Initial Trial Pool Plaintiffs**

Plaintiffs have produce some, but not all, medical, educational and employment records for the 120 Plaintiffs in the Initial Trial Pool. Plaintiffs shall complete their production of medical, educational and employment records for the 120 Plaintiffs in the Initial Trial Pool by no later than **September 25, 2020**. Plaintiffs shall make good faith efforts to produce records, to the extent they are available, on a rolling basis as they are collected. In the event that medical, educational and/or

employment records do not exist for a certain Plaintiff, Plaintiffs shall provide a certification confirming as such in the form agreed to by the parties.

If any Initial Trial Pool Plaintiff fails make a complete records production or produce no-records certifications by this deadline, Defendants' counsel shall confer with Plaintiff's counsel in an attempt to resolve the deficiency. If an accommodation cannot be reached Defendants' counsel may file a Motion to Show Cause why the Plaintiff's case should not be dismissed without prejudice. The individual Plaintiff will then have thirty days to respond to the Motion to Show Cause. A failure to respond to the Motion to Show Cause within the required period of time shall lead to the dismissal of the case without prejudice, except for good cause shown.

Plaintiffs will continue using the authorizations approved by the Court on August 8, 2019 [Doc. 352] for all future medical and educational record requests. All new records obtained through the Court-ordered authorizations shall be produced with a load file that includes facility information and indicate whether the record was obtained by using the Reid authorization or the authorization ordered by the Court on August 8, 2019.

Medical, educational and employment records for non-trial-pool Plaintiffs need not be produced until further order of the court. A schedule for the production of records for non-initial trial pool Plaintiffs will be established by the Court at a later date.

**C. Selection of the Initial Discovery Cohort**

Twenty-eight of the 120 initial trial pool Plaintiffs will be included in the initial discovery cohort; Plaintiffs shall choose 14 and Defendants shall choose 14. Plaintiffs have already made their initial 14 Initial Discovery Cohort Selections. Defendants must notify the Court and opposing counsel of their selections by no later than **November 27, 2020**. Those Plaintiffs must answer interrogatories and produce documents by **January 29, 2021**.

Plaintiffs will produce neuropsychology and pediatric expert findings for the 14 Initial Discovery Cohort Plaintiffs selected by Plaintiffs by **November 27, 2020**. Plaintiffs will produce neuropsychology and pediatric expert findings for the 14 Initial Discovery Cohort Plaintiffs selected by Defendants by **February 5, 2021**. Depositions of Initial Discovery Cohort Plaintiffs, family members, and caregivers will begin **February 8, 2021**. The process regarding depositions of Non-Discovery Cohort Plaintiffs will be established by the Court at a later date. Fact discovery for the Initial Discovery Cohort Plaintiffs ends **June 30, 2021**.

**D. Selection of the Initial Expert Discovery Cohort**

The parties agree that two weeks after the completion of fact discovery, the parties will narrow the pool of Initial Discovery Cohort Plaintiffs down to 16 for expert discovery (the “Initial Expert Discovery Cohort”). Plaintiffs shall choose eight and Defendants shall choose eight.

Plaintiffs must notify the Court and opposing counsel of their selections by no later than **July 16, 2021**, two weeks upon conclusion of discovery with respect to the Initial Discovery Cohort. Defendants must notify the Court and opposing counsel of their selections by no later than **July 23, 2021**.

**II. OTHER PRE-TRIAL DEADLINES**

<b>Event</b>	<b>Deadline</b>
<b>Referral to Alternative Dispute Resolution</b>	<b>30 days after ruling on dispositive and <u>Daubert</u> motions.</b>
<b>Completion of ADR</b>	<b>90 days after ADR referral deadline.</b>

<b>Event</b>	<b>Deadline</b>
<b>Plaintiffs' deadline to designate all merits experts and provide opposing counsel and any pro se parties with all information specified in Fed. R. Civ. P. 26(a)(2)</b>	<b>August 20, 2021</b>
<b>The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.</b>	<b>August 27, 2021</b>
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>August 27, 2021</b>
<b>Plaintiffs shall make their expert witnesses available for deposition</b>	<b>September 3, 2021</b>
<b>Depositions of Plaintiffs' expert witnesses will be completed.</b>	<b>November 5, 2021</b>
<b>Defendants shall notify Plaintiffs of the identity of the Rule 35 examiners and the scope of the examinations.</b>	<b>November 15, 2021</b>
<b>Any objections to the scope of the examinations shall be made to the Defendants.</b>	<b>November 26, 2021</b>

Event	Deadline
If the parties are unable to reach an agreement as to the scope of the Rule 35 examinations, they shall notify the Court in writing, and report the nature of the dispute.	November 30, 2021
Plaintiffs shall make Expert Discovery Cohort Plaintiffs available for IMEs	December 13, 2021
IMEs of Expert Discovery Cohort Plaintiffs will be completed	March 18, 2022
Defendants' deadline to designate all merits experts and provide opposing counsel and any pro se parties with all information specified in Fed. R. Civ. P. 26(a)(2)	May 18, 2022
The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.	May 25, 2022

<b>Event</b>	<b>Deadline</b>
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>May 25, 2022</b>
<b>Defendants shall make their expert witnesses available for depositions</b>	<b>June 8, 2022</b>
<b>Depositions of Defendants' expert witnesses will be completed.</b>	<b>August 22, 2022</b>
<b>Plaintiffs' deadline to designate all rebuttal expert witnesses and provide their reports</b>	<b>August 29, 2022</b>
<b>The parties shall meet and confer to set a schedule by which these expert depositions shall be conducted.</b>	<b>September 9, 2022</b>
<b>If the parties are unable to reach an agreement, they shall notify the Court in writing, and report the nature of the dispute. The report must include the names of each expert and any exclusionary dates, so the Court may set a final schedule at the conference.</b>	<b>September 9, 2022</b>

<b>Event</b>	<b>Deadline</b>
<b>Plaintiffs shall make any rebuttal expert witnesses available for depositions.</b>	<b>September 19, 2022</b>
<b>Deadline to complete depositions of Plaintiffs' rebuttal experts</b>	<b>October 21, 2022</b>
<b>Close of expert discovery</b>	<b>October 21, 2022</b>
<b>Deadline to file dispositive motions</b>	<b>December 9, 2022</b>
<b>Deadline to file Motions to Limit or Exclude Expert Testimony</b>	<b>December 9, 2022</b>
<b>Deadline to file responses to any dispositive motions</b>	<b>January 20, 2023</b>
<b>Deadline to file responses to Motions to Limit or Exclude Expert Testimony</b>	<b>January 20, 2023</b>
<b>Deadline to file replies in support of any dispositive motions</b>	<b>February 17, 2023</b>
<b>Deadline to file replies in further support of Motions to Limit or Exclude Expert Testimony</b>	<b>February 17, 2023</b>


### **III. TRIAL DEADLINES**

Pre-trial and trial-related deadlines will be set by further order of the Court after the completion of briefing on dispositive and other pre-trial motions.



#### IV. QUARTERLY STATUS CONFERENCES

The Court shall hold quarterly status conferences. Unless otherwise ordered above, one week before each conference, counsel shall file a joint status report informing the Court of any matters that should be discussed at the conference. The next conference is set on **June 26, 2020**. Additional status conferences will be set at a later date.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 23rd of June, 2020.